

CHAPTER VI

Facts and Fancies Concerning White Tailed Deer. Study of an Animal of Prime Importance to the Pioneer

The deer season opens October 30, and closes November 10, so I am informed, during which time it is legal to kill a deer with big horns. No unarmed deer is to be killed and game wardens caution all riflemen to be sure to see his horns before they shoot, for if they do not see the horns it is a sure sign she has not any. For many years it has been a work of supererogation for me to debate whether it was wrong for me to kill a deer when it was against the law, for the simple reason that it was impossible. It has not been so many years ago that the best minds of the mountains held it to be no scandalous offense to kill a deer out of season. Then as the freedom of the hills became more restricted, it was held that any man was perfectly justified in killing a deer when confronted by sudden and overwhelming temptation and opportunity. That is that it was wrong to hunt or lie in wait for a deer, but if you happened on one and did not shoot it, there was something abnormal about you and you would bear watching. Then as men's blood got thinner we arrived at the present stage of reading the law as it was written and no excuses are accepted.

In the old days, even lawyers were known to kill deer in the red and set up the evidence.

It is related that during the fading days of liberty that a West Virginia lawyer was hunting on the waters of Anthony's Creek and there fell and killed a deer. As he gloated over the trophy, a game warden stepped out of the brush and arrested him, and the lawyer acknowledged the corn. And the two proceeded to gloat, or as we would say, gut the deer. But before they began to butcher it the lawyer induced the officer to hang the deer around his neck so that a kodak picture could be secured and when that was done, the officer was informed that if any arresting was to be done that he, the game warden could consider himself under arrest and they would have a swearing match about the deer, and the photograph would be produced. So they compromised.

The first deer of the season reported in this section, that is the first fatality, was but a short time ago, when a small doe fawn got on the railroad track near Seebert in front of one of the local fliers. The deer ran a short distance along the track in terror and then the exasperating little beast jumped into a wire fence along the right-of-way and broke its neck. The game department was notified and the deer was dressed and sold. It weighed twenty-seven pounds net and brought thirty-two cents a pound.

The deer of these mountains is known as the Virginian or White Tailed Deer. It is a little over three feet high and dresses as much as 175 pounds, and its antlers have measured as much as twenty-seven and a half inches in length. Its range is from Louisiana north and is confined largely to the eastern parts of America. Selous writes of killing one in the woods in 1897. "He was coming," he writes, "through the scrubby rather open brush straight towards me in a series of great leaps, rising. I think quite four feet from the ground at every bound. But when little more

than the width of the stream that separated us—when he was certainly not more than ten yards from me—he either saw or winded me, and without a moment's halt, made a prodigious leap sideways. I fired at him when he was in the air, and I believe quite six feet above the ground." The deer ran on a short distance and was found dead. It was a big buck.

I know something about that kind of a change in direction with a madly running deer. I was standing on the brink of a river in the mountains with a rifle, looking across the stream, and at my back was a river bottom densely covered with big laurel. I heard a noise behind me like a galloping horse and I knew in a moment that nothing but a deer could be charging through the brush like that and the animal came on with the speed of a train until it was so close to me that I could have reached out with my rifle and touched it, only it turned at right angles without halting so much as a fraction of a second and I saw its side to me like a flash of light and it was gone. I did not shoot. I had no time to do anything. I was paralyzed. Three feet more of that forward course and the deer would have jumped against me or over me. The noise that it made running through the brush was tremendous. I do not know what kind of a deer it was but I rather think from the noise that it made that it was a big buck.

Roosevelt has a good deal to say about the White Tailed Dear. He says that it is the most widely distributed of all the big game and that there is hardly a state in the United States in which it is not found, at least in some out-of-the-way corner.

That in the plains, when they were first settled, the white-tail was the last plentiful and the least sought after all the big game, but as the other large animals were driven out the deer became more plentiful and more sought after. It is the only ruminant animal that is able to live wild in thickly settled communities. He ascribes this to its habits and its protective colorings. The deer lie closely hid during daylight and will allow the hunter to pass within a few feet without moving, and if they move, it will be to skulk or sneak away without sound. It seems to know how to avoid the natural walk-ways of the hunters and its tracks are not seen. It lies down only in the thickest thickets. Its red color in the summer seems to blend with and be like red earth, and in the fall its blue gray color blends with the timber of the dead and dying year.

If suddenly startled, deer will make off at a bounding gallop, with the white tail in the air, and that white flag is about all that the hunter has any recollection of seeing. A buck with big horns throws them back on his shoulders and holds his nose straight out in front of him and runs rather blindly but with his smelling organs in full force. The horns instead of being in the way seem to protect the body of the deer from the timber and help it to plough its way through.

The deer seem to know how to take care of themselves when not in a panic, and there is a pretty good reason to believe that a deer will see

that in the vast majority of cases the deer will not move so much as an eye lid and let the hunter pass on his way.

About ten days in the fall used to be the annual deer hunting vacation of a Pocahontas county farmer. Just after the corn was husked and before feeding began. The falling leaves made the forest noisy so they wanted a rain and wet weather so that they could cover more ground and avoid the rustle of the leaves.

The old time hunters said that they did not expect to kill any deer the first days of the trip but that the longer they stayed in the woods the more expert they became of seeing deer in their beds. That the white horns of the bucks was the most unusual glimpse that they got of the deer, and the next was the ear of the game. They nearly always shot them as they lay in their beds for the deer once discovered never had a chance for the approach was silent and the hunter came very close before firing. And the hunter looked at the game very little if at all as he moved forward.

Just at dusk it is possible to still hunt and find the deer up and feeding but the night comes on very swiftly in the fall of the year, and with the old time hunter the plan changed with the approach of night, for then he moved swiftly and more or less carefully toward his camp, keeping a lookout for deer. The real hunting however was in the daytime, when he looked long and carefully at every place in sight where a deer might be lying down. There was no better dress for such hunting than buckskin suits and moccasins.

I never killed a deer still hunting and I do not want to pose as authority on this matter, but I have talked with a number of old-timers and they told me that the longer the hunt was continued the more apt to see deer, and I feel sure that it was a matter of getting the eye trained to observe the obscure, just as occurs in the detecting of four leaf clovers, or seeing fish on the bottom of a stream by artificial light.

In the old days there were four recognized methods of deer hunting. Chasing with hounds, by which deer were run through stands on streams. Whip chasing by which hunters drove deer through gaps in the mountain where a waiting hunter got a shot. Still hunting. And walking down. Walking down was during a snow when the hunter camped on the trail and finally overtook the deer and slew it.

Well, let the stricken deer look out,
This is the hunter's day;
And some may crawl while others scut,
Thus runs the world away.

Old *Cervus*, the buck deer, goes bounding along like a golf ball, during these days of peril, and the bullets cut around him like the slings and arrows of outrageous fortune. He has to run the gauntlet.

But most of the deer are going to survive the ordeal, for the reports of tragedies in the woods comes in very slowly. This means that few are being destroyed, or else the killing of a deer is a neighborhood secret, the penalty of divulging it being another neighborhood secret.

Shakespeare speaks of a deer and the big round tears that coursed one another down his innocent nose in piteous chase. That must have been another kind of a deer from the ones in these woods for here they go elsewhere without delay.

In the deep valley of the Elk River two law abiding hunters jumped a doe and a fawn out of a thicket and allowed them to go unharmed. They crossed over a small spur and three shots rang out. The two hunters followed and found both deer dead, and they began to read the signs, being in mood to arrest the hunter who was responsible if he could be found. It was a clear case of cervicide, and they pursued the same tactics in searching for clews that would have been used if it was a case of homicide. They found three empty shot gun shells showing that the hunter had stood on a little mound and shot one deer at about thirty feet and the other at fifteen feet. Though it was a very few minutes after the crime that they reached the spot, the man had time to cover the fawn with leaves, but he had been frightened away before the body of the doe could be hid. Nearly they came upon a man taking a drink at a spring, but he was cleared by the fact that he carried a rifle. This man reported having passed a stranger just about the place of the shooting, but he could not give a very definite description of him further than that he fluoresced a Charlie Chaplin mustache, so they went on the hunt for a tufted man. In a very short time after that the state police and a game warden were there. The game warden gave it as his opinion that any man who would wear that kind of a mustache would be capable of crime. As I understand it, these tufts of hair on the upper lip look like malignant growths immediately under the nose, and appear to have been left through oversight or on account of the razor having been taken away before the shaving operations were finished. So the warden was passed up and down the river to look for a man with an shortive mustache, or one who had two white spots on his upper lip about the size of a dime, where such disfiguring marks had been recently removed. But so far as I have heard, he made good his escape. The man drinking at a spring thought that if he ever saw the man again that he could identify him.

The officers brought in the carcasses and sold them for the benefit of the State at the Laurel Bank commissary. They netted the public exchequer something like eighteen dollars after paying the cost and expense of the middlemen employed to transport them to market.

No one will ever know how many men took guns and went to the woods on the bare chance of killing a deer during the period of twelve days, or ten working days, when the law was lifted. Everyone however says thousands for Pocahontas county alone. They one and all passed silently into the shelter of the woods, and the woods closed upon them and so far as the dwellers in the towns could tell there was no change in the silent, solid forest. Around this town of Marlinton even the noise of the guns of hunters of small game was silenced owing no doubt to the sportsmen being deeper in the wilderness after bigger game.

October was one of the driest months ever experienced in this part of the country. Only an inch and a half of rain all told. The woods were

powder dry. It speaks well for the great nonchalance of hunters that no forest fire has been reported. It seems that they must have protected the country from fire for one was due any moment. It looks like the wet season has set in now, and it is possible that there will be no bad burnings in the mountains this year.

Night men of the Knappe Creek Valley made up a hunt one morning last week. They went up into the main Allegheny, which rises from the valley. The mountain reaches down to the creek bottoms in long spurs, and it is a good country for deer. The State line is on the crest of the mountain. They started a deer and they must have scared him considerably, for he appeared to several of the hunters and they took hasty and ineffectual shots at him, and he was all but out of danger when he passed in sight of Col. W. G. Ruckman, the oldest man of the hunting party. And that was a fatal move. The singing bullet caught the buck in mid air and he fell like a bird shot on the wing. This was the biggest deer killed in the county. It weighed dressed 183 pounds and had a head of horns of five points on each beam. The eight hunters divided up the meat and each one got a liberal supply.

But most of the reports that come into the county seat are to the effect that somebody saw a buck deer with a basket on his head and that the word was passed around through the community and they gathered and took stands and that nothing more was seen of the deer.

There is one feature about deer hunting that might provoke a saint to break the law, and that is to crave to kill a deer and then finding one, discover that it is a doe or a fawn that could not be killed lawfully. It is almost more than a man can bear. This craving to kill a deer is an inherited trait. Through many generations of deer hunters, there develops the congenital attribute that forces a man to kill a deer, just as some men are doomed from their birth to some time or other shed human blood. And so if a man being possessed of a devil that tormented him to kill a deer, is suddenly confronted with overwhelming temptation and shoots and kills a deer without horns, could he not plead the law of the brain storm and temporary insanity, and irresistible impulse and un-written law? And should not the justice of the peace recognize the human frailty and be merciful?

There is one feature of the present game law that might arise at any time that will cause much scratching of the judicial head and the exercise of the legal mind, and that is that while the law is that a buck must have horns to be slain legally, there are many incidents accumulated throughout the ages of large bucks being killed that had no horns. My guess would be that upon a liberal construction of the law that such a deer, if an old deer, would not be protected by the loss of the horns, for the reason that the very fact that he had no horns indicated that he was useless for all purposes and that he cumbered the ground.

The distinguishing mark of deer as a species is the deciduous horn, that is, the horns that are shed each year, and grow back larger than ever. The existence of these horns in deer is closely related to its powers of reproduction and if a buck deer be castrated this process as to shedding

or growing horns immediately ceases. It may occur that the horns may never again be shed, or being shed that they never will grow again, in the manner a doe, if suffering from diseased ovaries, may grow a set of horns. Every old time hunter of forty years ago could tell of big fat bucks without horns being killed.

Some years ago a writer came out and said that our Virginia deer was not a deer but an antelope, and being prone to believe everything that I see in print, I believed him and went about spreading the news that a deer was not a deer but an antelope, but I got straightened out on the subject again and I can assure you that it is not an antelope.

There are two things that mark the deer and classify them: First, that the bucks have horns that are shed each year, and the second common trait is that the fawns are all spotted. The Virginia deer qualifies under both points and that is something beyond question. Darwin made a great point about the fawns of the numerous deer all being spotted. I forget just what he proved by it in evolution but it was something very wonderful that no matter how far apart the different kind of deer might get in the course of their growth that the young were all more or less uniformly spotted. Something about the habits and habitat of the grown up deer influencing the succeeding generations. Thus in the old time drinking days all babies were born with nice noses that did not get red until after forty years.

I believe this is the fourth editorial that I have written on the subject of the deer this fall, and I feel that the excitement over the subject is justification for a series of sermons. I think it was a touch of the old time deer fever. It broke out in a virulent form in some of my contemporaries, so that they armed themselves and left friends and fire-side to wander in the howling wilderness ready to shoot at a drop of the hat. With me, it only caused a few of words on the typewriter. Like the old hunter that "talks as familiarly of roaring lions as mauls of thirteen do of puppy dogs!"

But the times are changed from the days when a settler without losing any material time from the gathering of his crops could get a couple of dozen deer in the fall with an old mountain rifle, whereas the modern hunter with a repeating, long distance gun finds it hard work to get any.

The old rule of the farmer-hunter was to get up about three o'clock in the morning and get himself a warm breakfast by the fire place, and take his gun and ammunition and walk some miles into the forest. At the break of day he would be on some distant ridge walking silently along and generally finding a deer just under the crest of the mountain. The deer was shot and killed in and a fair day's work done on the farm. And then the next morning the day's program would be the same. An old timer told me that he got eighteen deer in this way one fall and was not away from home over night, and did not miss much time from his farm work.

I think I have referred to the incident of the Kentucky wilderness hunters before. They were wintering in that country getting together a lot of hides. The weather turned warm and the hides did not keep.

One of the hunters carved on a tree a legend that was read for many years thereafter: "3590 deer skins lost rmination by God!"

And I feel like saying. "3590 deer hunters in the woods, and news is scarce."

CHAPTER VII

Who Saved the Army at Point Pleasant, Mooney or Robertson? Argument to Show the Credit is Due James Robertson, Afterwards the Grand Old Man of Tennessee

In this present month of December, I was riding from Washington to Richmond on the Atlantic Coast Line, making a trip in three hours that it took Grant over a year to travel. I was riding in a Pullman car as I find that in such cars the people are more friendly and less suspicious of an untamed hillman.

The road led through Fredericksburg, and the man I was sitting with pointed out the way the armadas were placed and their movements. He showed the Cemetery Road at the place of the cut where it was filled with bodies of dead soldiers, like the sunken road at Waterloo.

This gentleman was an experienced historian, whoever he was. He was a man of mature years. In this day and time you can call no man old until he is dead. I do not know whether it is generally known or not, but I dabble in history a little myself. I find myself in need of words and still more words, and history is so much easier than prophecy. So much easier to tell what a man has done than to tell what he is going to do. But my chance acquaintance speedily got me beyond my depths and I had to come up for air. Under such circumstances there is but one thing to do, and that is to turn the conversation into paths familiar to yourself, and this I did.

I said as impressively as I could: "I have just come from the Congressional Library where I have done a couple of days' work, and I have succeeded in establishing the fact beyond question that James Robertson, of Virginia, and General James Robertson, of Tennessee, were one and the same person."

And so I got him hooked. He struggled some but he had to listen, and I pried him until he fled cursing in the night at the end of the journey.

It will be recalled by those who follow this column that my attention was called to Robertson by assigning to myself the subject of who it was that saved our family army from being surprised and Braddocked at Point Pleasant by that deadly old savage, Cornstalk, the feeder of his country. Some of these days I am going to get my chapters on the battle of Point Pleasant together and reconcile them and publish a book. I have come to the conclusion that even those that were there were too busy to take notes of what occurred.

Robertson is the man who saved the colonial army.

It has been customary to give the credit to James Mooney and Thomas Hughes, who left camp before daylight to hunt deer, and who had reached